

REGULAR CITY COUNCIL MEETING
JANUARY 12, 1998

PRESENT

R. Dale Roper
Wesley Bloomfield
Gayle Bunker
Robert Dekker
Glen Swalberg

Mayor
Council Member
Council Member
Council Member
Council Member

ABSENT

None

ALSO PRESENT

Dorothy Jeffery
Neil Forster
Richard Waddingham
Judy Baker
Deb Greathouse
Greg Schafer
Todd Turner
Job Matusow
Ted Pope
Michael Madsen
Phil Lambertsen
Curt Crosby
Derin Phelps
Reggie Bliss
Jane Beckwith
Gerri Ogden
Holly Remkes
David Remkes

City Recorder
Public Works Director
City Attorney
City Treasurer
City Librarian
City Employee
City Resident
Six County Access Television

City Resident
KNAK Radio
Millard County Chronicle/Progress
City Resident
City Resident
City Resident

Mayor Roper called the meeting to order at 7:00 p.m. Dorothy Jeffery, City Recorder, acted as Secretary. Mayor Roper stated that notice of the meeting time, place, and agenda was posted at the principal office of the governing body, located at 76 North 200 West, and was provided to the Millard County Chronicle/Progress, KNAK Radio, and to each member of the City Council, by personal delivery, at least two days prior to the meeting.

Mayor Roper welcomed new Council Members Wesley Bloomfield and Robert Dekker.

Council Member Gayle Bunker offered an invocation, after which Mayor Roper led the Council in the Pledge of Allegiance.

MINUTES

The proposed minutes of a Public Hearing held on December 8, 1997 were presented for consideration and approval.

Following discussion, Council Member Gayle Bunker MOVED to approve the minutes of the Public Hearing held on December 8, 1997, as presented. The motion was SECONDED by Council Member Robert Dekker. Mayor Roper asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

The proposed minutes of a Regular City Council Meeting held on December 8, 1997 were presented for consideration and approval.

Following discussion, Council Member Glen Swalberg MOVED to approve the minutes of the Regular City Council Meeting held December 8, 1997, as presented. The motion was SECONDED by Council Member Gayle Bunker. Mayor Roper asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

ACCOUNTS PAYABLE

The Council reviewed the accounts payable, a copy of which had been given to them two days prior to the meeting. Following review, Council Member Glen Swalberg MOVED to approve the accounts payable in the amount of \$205,262.26. The motion was SECONDED by Council Member Gayle Bunker. Mayor Roper asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

UNFINISHED BUSINESS

There were no items of Unfinished Business on the Agenda.

NEW BUSINESS

COUNCIL MEMBER GAYLE BUNKER/TODD TURNER: REQUEST FOR APPROVAL OF SINGLE LOT SUBDIVISION LOCATED AT APPROXIMATELY 430 SOUTH 500 WEST

Council Member Gayle Bunker advised the Council that the annexation of this property was approved at the last meeting of the City Council and Mr. Turner is now requesting that a portion of the annexed property be approved as a single lot subdivision for the purpose of constructing Mr. Turner's home on the property. Council Member Bunker noted that the Planning & Zoning Commission had discussed this matter at a meeting held on January 7, 1998. It is the recommendation of the Planning & Zoning Commission that the subdivision be approved, with the

condition that Mr. Turner sign an Improved Lot Agreement for possible curb, gutter, and sidewalk improvements in the future.

Following discussion, Commission Member Gayle Bunker MOVED to accept and approve the Turner-Lovell Subdivision for Todd Turner, with the condition that Mr. Turner sign an Improved Lot Agreement, as recommended by the Planning & Zoning Commission. The motion was SECONDED by Council Member Robert Dekker. Mayor Roper asked if there were any comments or questions regarding the motion. There being none, he called for a roll call vote. The voting was as follows:

Wesley Bloomfield	Yes
Gayle Bunker	Yes
Robert Dekker	Yes
Glen Swalberg	Yes

The motion passed unanimously.

JOB MATUSOW, SIX-COUNTY ACCESS TELEVISION: PRESENTATION REGARDING PUBLIC ACCESS TELEVISION

Mr. Job Matusow, Six-County Access Television, advised the Council that a public access television channel is now operating in three of the six counties in the Six-County area. Public access television has been on the air for eighteen months. Mr. Matusow distributed information to the Council regarding public access television programming, which is family oriented and contains no violence. They have received programming from the L.D.S. Church, including General Conference tapes, which are run on Monday evenings, as well as Center Street, and Family Times. Programs of local interest are also included, such as high school concerts and Snow College concerts.

Mr. Matusow stated that he is not requesting money from Delta City, he would just like to include Delta in their Six-County area television. If the Council approves the concept of a Public Access Channel in Delta, Mr. Matusow requests that a letter be written to Insight Cablevision to inform them of the decision and to designate Six County Access Television to operate the channel for the City.

Mayor Roper advised Mr. Matusow that the Council would take the information under advisement and make a decision at the next Council meeting.

THEODORE K. POPE: PRESENTATION REGARDING "MILLARD MONEY"

Mr. Pope expressed his appreciation to the Council for allowing him time to make this presentation. Mr. Pope reported that there are approximately 40 businesses in the Fillmore-Delta area who are participating in the "Millard Money" program. Mr. Pope introduced Mr. David Remkes, Director of Public Relations for the Millard Money group, who completed the presentation.

Mr. Remkes advised the Council that the local currency is actually a type of bartering. He explained that anyone who signs up to be a backer, or provider of goods and services, would pay \$5.00 to help defray printing costs and would receive approximately \$40 of currency, which is denominated in hours. This money would be spent in circulation, which would add currency into the local economy.

This idea is not new and has been used for several years in some areas. The Millard Money Group got the idea from Ithaca, New York, which started a similar program in 1991. Mr. Remkes stated that the money is reported as income, payment of sales tax on the money is required, and it should be accounted for as cash receipts.

The Millard Money Group has scheduled a Barter Potluck at Delta South Elementary on Friday, January 16, 1998 at 7:00 p.m. Inasmuch as the Millard Money Group is the first area in Utah to adopt this program, there will be representatives from other areas of the State attending the Barter Potluck to obtain information on starting their own program.

Council Members asked a number of questions about the program, which were answered by Mr. Remkes and Mr. Pope. Following discussion, Mayor Roper thanked Mr. Remkes and Mr. Pope for the information presented.

CITY ATTORNEY RICHARD WADDINGHAM: DEED OF PARTIAL RECONVEYANCE FOR ALL OF LOT 6, SILVER SAGE SUBDIVISION, PHASE I

City Attorney Richard Waddingham stated that the partial reconveyance stems from liens which Delta City had for subdivision improvements. Mr. Waddingham advised the Council that improvements at Silver Sage Subdivision have been completed to the point that part of the property can be reconveyed to the owner/subdivider. Delta City will continue to hold Silver Sage Lot 5 in the event that additional improvements are required.

Council Member Gayle Bunker MOVED to reconvey all of Lot 6, Silver Sage Subdivision. The motion was SECONDED by Council Member Glen Swalberg. Mayor Roper asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

CITY ATTORNEY RICHARD WADDINGHAM: DEED OF PARTIAL RECONVEYANCE FOR THE SOUTH FIVE FEET OF LOT 4, PLAT "N", PENDRAY ESTATES

City Attorney Richard Waddingham stated that this partial reconveyance also stems from liens which Delta City had for subdivision improvements. Mr. Waddingham has been advised that the improvements were completed some time ago and the property was reconveyed but, for some reason, there is a five foot wide portion of one lot which was not reconveyed. Mr. Waddingham is requesting that the remaining five foot section be reconveyed at this time.

Council Member Gayle Bunker MOVED to reconvey the South Five Feet of Lot 4, Lot "N", Pendray Estates. The motion was SECONDED by Council Member Glen Swalberg. Mayor Roper

asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

CITY ATTORNEY RICHARD WADDINGHAM: AMENDMENT OF ORDINANCE NO. 86-103

City Attorney Waddingham told the Council that back in 1986 the City Council adopted an ordinance which set forth the procedure used to convey property to property owners for vacated streets. In reviewing the ordinance, Attorney Waddingham felt that the procedure was extremely cumbersome for both the City and the property owner. Attorney Waddingham would like, at this time, to discuss the possible amendment of Ordinance No. 86-103.

Attorney Waddingham directed the attention of the Council to the paragraph numbered "5" on page 3 of Ordinance No. 86-103. His question is whether the Council desires to follow the procedure set out in the ordinance, or would like to amend Ordinance No. 86-103 and follow the procedure set out in state law, which is not as cumbersome.

The Council requested that Attorney Waddingham prepare a draft ordinance, for review at the next Council meeting, which would set forth the procedure required by state law and showing changes which would be made to the procedure set forth in Ordinance No. 86-103. The Council will discuss the matter and determine whether or not to take action at the next Council meeting.

Following discussion, Council Member Gayle Bunker MOVED to table amendment of Ordinance No. 86-103 until the next Council meeting, for further review by the City Attorney and City Council. The motion was SECONDED by Council Member Glen Swalberg. Mayor Roper asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

CITY ATTORNEY RICHARD WADDINGHAM: AUTHORIZATION FOR MAYOR TO SIGN QUIT CLAIM DEEDS FOR VACATED STREET (NORTH 19.5 FEET OF 200 SOUTH BETWEEN 300 EAST AND 400 EAST)

City Attorney Waddingham advised the Council that the Quit Claim Deed cannot be signed at this meeting, under the current Ordinance No. 86-103.

Council Member Glen Swalberg MOVED to table authorization for Mayor Roper to sign a quit claim deed for a vacated street (North 19.5 feet of 200 South between 300 East and 400 East). The motion was SECONDED by Council Member Wesley Bloomfield. Mayor Roper asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

COUNCIL MEMBER GAYLE BUNKER: RECOMMENDATION FROM PLANNING & ZONING COMMISSION REGARDING ZONE ASSIGNMENT FOR SEXUALLY ORIENTED BUSINESSES.

Council Member Gayle Bunker told the Council that this matter had been referred back to the Planning & Zoning Commission by the Council. The Planning & Zoning Commission discussed the matter at a meeting held on Wednesday, January 7, 1998. At that time, it was determined that, in order to comply with the zoning ordinance, sexually oriented businesses should be required to located in the I-1 (Light Industrial) zone. Delta City has provision in the Zoning Ordinance for I-1 (Light Industrial) zoning; however, there is not an area in the City currently designated as I-1 (Light Industrial) zone.

The ordinance governing sexually oriented businesses requires that they be located 1,000 feet from any residence, church, school, like business, or businesses which sell alcohol. The only area in Delta City where a business could locate and comply with the distance requirements would be along 1000 West Street, between 100 North and approximately 320 North. After lengthy discussion, the Planning & Zoning Commission determined that this area should be rezoned from Industrial Development (I-D) to I-1 (Light Industrial). The area to be rezoned would include the area from the East side of 1000 West Street and running East 855.6 feet, to the East boundary line of the Sherman L. and Merle H. Jones property, and running from 100 North to approximately 320 North.

Following discussion, Council Member Gayle Bunker MOVED to set a Public Hearing on February 9, 1998 at 6:45 p.m. for the purpose of receiving public comment regarding a proposed zone change, from Industrial Development (I-D) to I-1 (Light Industrial), on property located on the East Side of 1000 West Street, running from 100 North Street to approximately 320 North; and running approximately 855.6 feet East from 1000 West Street (approximately 25.9 acres), and to make sexually oriented businesses a conditional use in the I-1 (Light Industrial) zone.. The motion was SECONDED by Council Member Glen Swalberg. Mayor Roper asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

OTHER BUSINESS

Mayor Roper reported that, as of this time, four individuals have expressed interest in being appointed Council Member to fill the position vacated by Dale Roper. Those individuals are Reggie Bliss, Dennis Stephanoff, Phil Lambertson, and Lamar Stephenson. There is still an additional week for individuals to request consideration for the position. Mayor Roper would like to fill the vacancy at the Council meeting to be held on January 26, 1998, and requested a special meeting be set up in order to interview the individuals. Council Member Robert Dekker MOVED to hold a Special City Council Meeting on Wednesday, January 21, 1998 for the purpose of interviewing potential City Council Members. The motion was SECONDED by Council Member Wesley Bloomfield. Mayor Roper asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

Council Member Gayle Bunker asked the Council to consider removing the asphalt in the parking area in the City Park along Main Street, near the Memory Tree. Council Member Bunker reminded the Council that we still have the flag poles to be installed in that area, and he felt that it would be beneficial to eliminate the parking lot and make the area a part of the City Park by putting the area in grass. Council Member Bunker has talked with Superintendent Topham, of the Millard School District, who has no objections to making the change. Mayor Roper advised the Council that he has discussed this matter with Council Member Bunker and he agrees with the idea of removing the parking area.

Council Member Wesley Bloomfield asked if there has been a determination made as to whether or not to remove the fence in the area of the old tennis court in the City Park. He was advised that there has not been a final decision made as of this time.

Council Member Gayle Bunker noted that "No Parking" signs have been erected on Topaz Boulevard, but it appears that some vehicles are continuing to park there.

Council Member Glen Swalberg stated that he has received complaints from businesses on the South side of Main Street regarding the State snow plows piling the snow up on the curb. The business owners have attempted to find someone to clear the snow from the curbs but have not found anyone.

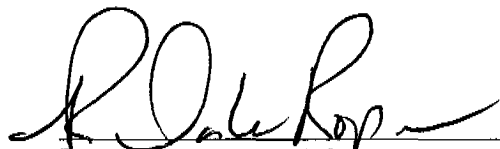
Council Member Glen Swalberg expressed concern over residents of the Sands Apartments walking through the alley at 50 South to the IGA store. There was discussion regarding whether a small sidewalk could be installed from 300 West to approximately 350 West. Mayor Roper advised the Council that he observed a number of children walking along 400 South toward Delta South Elementary School and expressed concern that, at some time, we need to provide a sidewalk for those children.

Council Member Glen Swalberg mentioned that a "Stop" sign needs to be installed at 350 West and 50 South, by the Delta City water tank property. Public Works Director Neil Forster advised the Council that he would have a sign installed at the intersection right away.

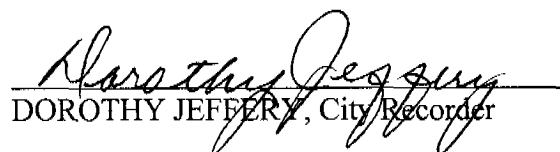
Council Member Gayle Bunker told Public Works Director Forster that the sign at 50 East and 200 North has been knocked down. Public Works Director Forster will see that the sign is replaced immediately.

Mayor Roper asked if there were any comments, questions, or other items to be discussed. There being none, Council Member Gayle Bunker MOVED to adjourn. The motion was SECONDED by Council Member Robert Dekker. Mayor Roper asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

Mayor Roper declared the meeting adjourned at 8:40 p.m.



R. DALE ROPER, Mayor



DOROTHY JEFFERY, City Recorder

MINUTES APPROVED: RCCM 01-26-98